



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/662,557

09/15/2003

Jeffory T. Curry

03-234

2276

719

7590

08/01/2006

CATERPILLAR INC.  
100 N.E. ADAMS STREET  
PATENT DEPT.  
PEORIA, IL 616296490

EXAMINER

CRANE, DANIEL C

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/662,557

**Applicant(s)**

CURRY ET AL.

**Examiner**

Daniel C. Crane

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/1/04 &amp; 9/15/03</u> | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 3725

### **BASIS FOR REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **REJECTION OF CLAIMS ON FORMAL MATTERS**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 1, it is unclear whether the “crimping apparatus” (lines 5 and 6) forms a part of the apparatus. Accordingly, the scope of the subject matter is indeterminate. Failure to provide antecedence for “coarse adjustment indicia” and “fine adjustment indicia” in claims 8 and 17 renders the subject matter indefinite.

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Viegner (6,477,757). The first member 1 and the second member 2 are connected together and can be removably coupled to the crimping apparatus 4.

Claims 1-4, 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoff (4,887,451). A first member 32 is connected to a second member 24. An adjustment mechanism includes the spacer 80 and the coupling mechanism 70 that has a threaded portion 62 that connects the first member with the second member. The frame is shown in Figure 1 at 14.

Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stiver (5,056,351). First member 10 or 40 and second member 3 are removable from the frame member 5, 12. The first member and second member are connectable to one another by contact and placement of corresponding surfaces.

Claims 1, 3, 4, 9, 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Phipps (4,781,055). First member 101 is threadably connected to second member 109 and is removable from the frame.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phipps (4,781,055) in view of either one of Hoff (4,887,451) or Stiver (5,056,351). It is common in this crimping art to provide wedge dies with biasing means so as to cause the dies to automatically

Art Unit: 3725

retract after the crimping operation and when the pressure-applying device is relieved as evidenced by either one of the secondary references. It would have been obvious to the skilled artisan at the time of the invention to have modified Phipps dies by further providing a biasing feature as taught by either one of Hoff or Stiver for the above noted motivation.

Claims 5-8 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phipps (4,781,055) in view of either one of either one of Smith (4,107,964) or Stiver (5,056,351). Two different indicia used to accurately provide the position of a threaded component is a well-recognized indicating provision within the metal working art. Smith clearly shows this to be the case where indicia A-D and indicia 19 provide both a coarse and fine adjustment. Similarly, Stiver shows this to be the case in Figure 5 where coarse and fine adjustments are indicated by markings 24 and 28. Accordingly, the skilled artisan having the benefit of the Smith and Stiver teachings would have made obvious such a provision in Phipps' crimping tool so as to accurately provide the crimp height of the tool.

#### **PRIOR ART CITED BY APPLICANTS**

Applicant has failed to provide a copy of the British document, therefore, the prior art has been considered as noted on the IDS of November 1, 2004.

#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

## RESPONSE BY APPLICANT(S)

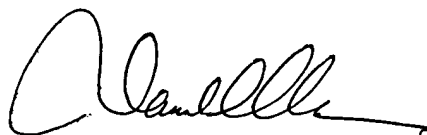
Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

## INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

DCCrane  
July 20, 2006



**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725